



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.2.2008
COM(2008) 107 final

Proposal for a

COUNCIL REGULATION

amending Council Regulation 1386/2007 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation

(presented by the Commission)

EXPLANATORY MEMORANDUM

The purpose of Council Regulation (EC) No 1386/2007 is to implement conservation and enforcement measures adopted by the Northwest Atlantic fisheries Organisation (NAFO) in Community law.

The conservation and enforcement measures of NAFO are subject to review at each annual meeting of NAFO.

During its 2007 annual meeting, held in Lisbon between 24-28 September, NAFO adopted a number of modifications to these conservation and enforcement measures. The following modifications were adopted:

- A definition of the concept of transshipments;
- Mesh size provisions for the redfish fishery in NAFO Division 3O;
- Introduction of a closed area for bottom contact gear to protect vulnerable deep sea corals;
- Additional catch reporting requirements for the shrimp fishery in NAFO Division 3L;
- Technical requirements for the construction of boarding ladders and pilot hoists;
- Amendments to the list of stocks subject to regular reporting requirements;
- Modifications to the template for port inspections; and
- Modifications to the list of product codes intended to apply the same standards as those in force in the North East Atlantic.

These modifications were adopted with the support of the Community following consultations with Member States, concerned industry and non governmental organisations.

These modifications are binding and should therefore be implemented in Community law.

The purpose of this proposal is to introduce the necessary amendments to Council Regulation (EC) No 1386/2007.

The proposal falls under the exclusive competence of the Community. The subsidiary principle does therefore not apply.

The proposal has no implications for the Community budget.

The legal basis for the proposal is the review clause in Article 70 of Council Regulation 1386/2007.

The Council is hereby requested to adopt this proposal as soon as possible.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation 1386/2007, and in particular Article 70 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EC) No 1386/2007 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation implements certain conservation and enforcement measures adopted by the Northwest Atlantic Fisheries Organisation (hereinafter referred to as "NAFO").
- (2) At its twenty-ninth Annual meeting held in September 2007, NAFO adopted a number of amendments to the conservation and enforcement measures of NAFO. Those amendments relate to the provisions on mesh size, transshipments, closed areas to ensure coral protection, catch reports, definition of serious infringement, product codes, the port inspection format as well as technical requirements for boarding ladders.
- (3) Regulation (EC) 1386/2007 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1386/2007 is amended as follows:

- (1) In Article 3, the following point 20 is added:

"20) "Transshipment" means the transfer, over the side, of any quantity of fisheries resources or products thereof retained on board, from one fishing vessel to another.

(2) In Article 7, the following paragraph 4 is added:

"4. Vessels fishing for redfish in Division 3O using mid-water trawls shall use nets with a minimum mesh size of 90 mm."

(3) Article 12 shall read as follows:

Fisheries restricted areas

1. The conduct of fishing activities involving demersal fishing gears shall be prohibited in the following areas:

<i>Area</i>	<i>Coordinate 1</i>	<i>Coordinate 2</i>	<i>Coordinate 3</i>	<i>Coordinate 4</i>
<i>Orphan Knoll</i>	<i>50.00.30</i>	<i>51.00.30</i>	<i>51.00.30</i>	<i>50.00.30</i>
	<i>47.00.30</i>	<i>45.00.30</i>	<i>47.00.30</i>	<i>45.00.30</i>
<i>Corner</i>	<i>35.00.00</i>	<i>36.00.00</i>	<i>36.00.00</i>	<i>35.00.00</i>
<i>Seamounts</i>	<i>48.00.00</i>	<i>48.00.00</i>	<i>52.00.00</i>	<i>52.00.00</i>
<i>Newfoundland</i>	<i>43.29.00</i>	<i>44.00.00</i>	<i>44.00.00</i>	<i>43.29.00</i>
<i>Seamounts</i>	<i>43.20.00</i>	<i>43.20.00</i>	<i>46.40.00</i>	<i>46.40.00</i>
<i>New England</i>	<i>35.00.00</i>	<i>39.00.00</i>	<i>39.00.00</i>	<i>35.00.00</i>
<i>Seamounts</i>	<i>57.00.00</i>	<i>57.00.00</i>	<i>64.00.00</i>	<i>64.00.00</i>

2. The following area in NAFO Division 3O shall be closed to all fishing activity involving bottom contact gear. The closed area is defined by connecting the following coordinates (in numerical order and back to coordinate 1).

Point No.	Latitude	Longitude
1	42°53'00"N	51° 00' 00"W
2	42°52'04"N	51° 31' 44"W
3	43°24'13"N	51° 58' 12"W
4	43°24'20"N	51° 58' 18"W
5	43°39'38"N	52° 13' 10"W
6	43°40'59"N	52° 27' 52"W
7	43°56'19"N	52° 39' 48"W
8	44°04'53"N	52° 58' 12"W
9	44°18'38"N	53° 06' 00"W
10	44°18'36"N	53° 24' 07"W
11	44°49'59"N	54° 30' 00"W
12	44°29'55"N	54° 30' 00"W
13	43°26'59"N	52° 55' 59"W
14	42°48'00"N	51° 41' 06"W
15	42°33'02"N	51° 00' 00"W

(4) In Article 21(2), the following point (f) is added:

"f) catch prior to entry and exit from Division 3L. These reports shall be made by vessels that fish shrimp in Division 3L and shall be sent one hour prior to crossing the boundary of that Division. The report shall indicate the catches taken onboard since the previous catch report, by Division and species (3 alpha code) in kg, rounded to the nearest 100 kg."

(5) Article 47 is amended as follows:

- point (b) is replaced by the following:

"(b) provide a boarding ladder constructed and used as described in the conservation and enforcement measures of NAFO."

- the following point (b)a is inserted:

"(b)a if a mechanical hoist is provided, ensure that its ancillary equipment is of a type approved by the national administration. It shall be of such design and construction as to ensure that the inspector can be embarked and disembarked in a safe manner including a safe access from the hoist to the deck and vice versa. A boarding ladder complying with the provisions of point (b) shall be kept on deck adjacent to the hoist and available for immediate use."

- (6) Annex II is amended in accordance with Annex I to this Regulation.
- (7) Annex XII is amended in accordance with Annex II to this Regulation.
- (8) Annex XIII is deleted.
- (9) Annex XIV (b) is amended in accordance with Annex III to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President

ANNEX I

Annex II of Regulation (EC) No 1386/2007 is replaced by the following:

ANNEX II

The list that follows is a list of stocks that needs to be reported in accordance with Article 22.

ANG/N3NO.	<i>Lophius americanus</i>	American angler
CAA/N3LMN.	<i>Anarhichas lupus</i>	Atlantic wolfish
CAP/N3LM.	<i>Mallotus villosus</i>	Capelin
CAT/N3LMN.	<i>Anarhichas spp.</i>	Catfishes (Wolffishes) nei
HAD/N3LNO.	<i>Melanogrammus aeglefinus</i>	Haddock
HAL/N23KL.	<i>Hippoglossus hippoglossus</i>	Atlantic halibut
HAL/N3M.	<i>Hippoglossus hippoglossus</i>	Atlantic halibut
HAL/N3NO.	<i>Hippoglossus hippoglossus</i>	Atlantic halibut
HER/N3L.	<i>Clupea harengus</i>	Herring
HKR/N2J3KL	<i>Urophycis chuss</i>	Red hake
HKR/N3MNO.	<i>Urophycis chuss</i>	Red hake
HKS/N3LMNO	<i>Merluccius bilinearis</i>	Silver hake
RNG/N23.	<i>Coryphaenoides rupestris</i>	Roundnose grenadier
HKW/N2J3KL	<i>Urophycis tenuis</i>	White hake
POK/N3O.	<i>Pollachius virens</i>	Pollock (=Saithe)
PRA/N3LM	<i>Pandalus borealis</i>	Northern prawn
RHG/N23.	<i>Macrourus berglax</i>	Roughhead grenadier
SKA/N2J3KL	<i>Raja spp.</i>	Skates
SKA/N3M.	<i>Raja spp.</i>	Skates
SQI/N56.	<i>Illex illecebrosus</i>	Short fin squid
VFF/N3LMN.	-	Fishes unsorted, unidentified
WIT/N3M.	<i>Glyptocephalus cynoglossus</i>	Witch flounder
YEL/N3M.	<i>Limanda ferruginea</i>	Yellow tail flounder

ANNEX II

Annex XII of Regulation (EC) No 1386/2007 is replaced by the following:

ANNEX XII

Port Inspection Report

A. “PORT INSPECTION REPORT” FORM

Page n°

Of

1. INSPECTION REFERENCE

Inspection authority

Date of the report

Port of inspection

Vessel name

2. TRIP INFORMATION¹

Date trip started

Trip number²

Activity in the NAFO RA :

Date Entry in the RA

Date Exit from the RA

Other Areas visited

Date trip ended

¹ To be filled in by the inspection authority or any alternate body nominated by the authorities as soon as the vessel land to port, based on logbook records.

² Where applicable.

3. VESSEL IDENTIFICATION³

External Identification

International Radio Call Sign

Flag State

NAFO Contracting Party

Home port

Vessel owner

Vessel operator

Master name

4. RESULT OF INSPECTION OF DISCHARGE⁴

4.1. General information

Starting of discharge :

Date

Time

Ending of discharge :

Date

Time

Has vessel discharged all catches on board?

YES

If YES, fill in table 4.2

NO

IF NO, fill table 4.3

Comments

³ To be filled in based on the license information.

⁴ To be filled in after completion of discharge.

4.2. Quantity discharged

Species (FAO Code)	Presentation	Live Weight (Log Book, Kg)	Conversion factor	Landing Processed Wt (kg)	Equivalent live weight (kg)	Diff. (Kg)	Diff. (%)

Comments	
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4.3. Quantity staying on board the vessel

To be filled where part of the catches stay on board after completion of discharge

Species	Presentation	Conversion factor	Process weight (kg)	Equivalent live weight (kg)

Comments	
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5. GEAR INSPECTION IN PORT⁵

5.1. General data

Number of gear inspected

Date gear inspection

Has the vessel been cited ?

If Yes, complete the full “verification of inspection in port” form.

☐ Yes

If No, complete the form with the exception of the NAFO Seal Details.

☐ No

5.2. Otter Trawl details

NAFO Seal number

Is seal undamaged?

Yes

No

Gear Type:

Attachments:

Grate Bar Spacing (mm)

Mesh Type:

Average mesh sizes (mm)

TRAWL PART	
Wings:	
Body:	
Lengthening. Piece:	
Codend:	

⁵ Verification shall be done when non-compliance have been cited / observed during inspection at sea. To be filled in when port inspection also concerns inspection of gears on board. A detail form shall be filled in for every gear having been subject to port inspection.

6. INFRINGEMENTS AND FOLLOW-UP

6.1 Sea Inspection

Infringements resulting from Inspections inside NAFO R.A.			
Inspection Party	Date of insp.	Division	NAFO CEM infringement legal reference

6.2 Port Inspection Infringements results

(a) - Confirmation of Infringements found at sea inspection	
NAFO CEM infringement legal reference	National Infringement legal reference

(b) - Infringements found at sea inspection and not possible to be confirmed during the Port Inspection.	
Comments :	

(c) - Additional infringements found during the Port Inspection	
NAFO CEM infringement legal reference	National Infringement legal reference
Follow-up comments :	

B.INFORMATION TO BE INSERTED IN THE REPORT

1. INSPECTION REFERENCES

Data Element	M /O	Category ; Definition
Inspection authority	M	Inspection detail : Name of the inspection authority or of the alternate body nominated by the authority
Date	M	Inspection detail : Date the report is compiled
Port of inspection	M	Vessel activity detail : Place where the vessel is inspected : port followed by ISO – 3 code of the country as “St Johns / CAN”
Vessel Name	M	Vessel registration detail; name of the vessel

2. TRIP INFORMATION

Data Element	M /O	Category ; Definition
Date trip started	M	Vessel activity details : date started the current fishing trip
Vessel trip number	O	Vessel activity details : Number of the fishing trip in current year
Date Entry in the RA	M	Vessel activity details : Date the vessel entered the NRA for the current fishing trip
Date Exit from the RA	M	Vessel activity details : Date the vessel exited from the NRA for the current fishing trip
Other areas visited	O	Vessel activity detail : other area where vessel have been fishing during the current trip
Date trip Ended	M	Vessel activity details : date ended the current fishing trip

3. VESSEL IDENTIFICATION

Data Element	M /O	Category ; Definition
External Identification Number	M	Vessel registration details : Side Number of the vessel
International Radio Call Sign	M	Vessel registration details : International Radio Call Sign of the vessel
Flag State	M	Vessel registration detail; State where the vessel is registered, 3-ISO country code
NAFO Contracting Party	O (1)	Vessel registration detail :NAFO contracting party of the vessel, as ISO code of the country, EUR for European Community, NCP for Non Contracting Party
Home port	O	Vessel registration details : Port of registration of the vessel or homeport
Vessel owner	M	Vessel registration details : name and address of the vessel owner
Vessel operator	M (2)	Vessel registration details : responsible for using the vessel
Master name	O	Vessel activity details : name of the master

(1) if different from the flag state

(2) if different from the vessel owner

4. RESULT OF INSPECTION ON DISCHARGE

4.1 General Information

Data Element	M / O	Category ; Definition
Start date of discharge	M	Discharge detail: date the vessel started discharge
End date of discharge	M	Discharge detail: date the vessel finished discharge
Has vessel landed all catches on board?	M	Discharge detail : Has vessel landed all catches on board?, answer Y if yes, N if not
Comments	O	Discharge detail: comments as necessary. If discharge as not been completed, please give an estimation on catch still on board

4.2 Quantity Discharged

Data Element	M / O	Category ; Definition
Species	M	Discharge detail : FAO 3-alpha code (part V, schedule II, attachment II)
Presentation	M	Discharge detail : Product form
Live Weight	M	Quantities determined from the logbook.
Conversion factor	O	Product detail : Conversion factor as define by the master for the corresponding species, size and presentation, optional if already mention in table B
Process weight	M	Discharge detail : Quantities landed by species and presentation, in kilograms of product, rounded to the nearest 10 kg
Equivalent live weight	M	Discharge detail : Quantities landed in equivalent live weight, as “product weight x conversion factor”, in kilograms, rounded to the nearest 10 kg
Comments	O	Discharge Details : free text area

4.3 Quantities Staying On Board The Vessel

Data Element	M / O	Category ; Definition
Species	M	Discharge detail: FAO 3-alpha code (part V, schedule II, attachment II)
Presentation	M	Discharge detail: Product form
Conversion factor	O	Product detail: Conversion factor as define by the master for the corresponding species, size and presentation, optional if already mention in table B
Process weight	M	Discharge detail: Quantities landed by species and presentation, in kilograms of product, rounded to the nearest 10 kg
Equivalent live weight	M	Discharge detail: Quantities landed in equivalent live weight, as “product weight x conversion factor”, in kilograms, rounded to the nearest 10 kg
Comments	O	Discharge Details: free text area

5. RESULT OF GEAR INSPECTION⁶

5.1 General Information

Data Element	M / O	Category ; Definition
Date of inspection	M	Inspection detail : Date of current gear inspection
Inspected gear	M	Inspection detail : number of gear checked during port inspection

5.2 Otter Trawl Details

Data Element	M / O	Category ; Definition
NAFO seal number	M	Inspection detail (if required) : Number of the NAFO seal attached to the gear after inspection at sea
Is Seal Undamaged ?	M	Whether NAFO inspection seal is intact. – “yes” or “no”
Gear type	M	International Standard Statistical Classification of the Fishing Gear , OTB for otter trawl
Attachments		Otter trawl detail : attachment to footrope
Grade bar spacing	M	Otter trawl detail : grade bar spacing in millimetres
Mesh type	M	Otter trawl detail : respectively mesh type: SQ for square mesh , DI for diamant mesh
Mesh size average	M	Otter trawl detail : average mesh size in the trawl part, by pair
Trawl part	M	Trawl part measured
Mesh size	M	Mesh size in millimetres

⁶ Verification shall be done when non-compliance have been cited / observed during inspection at sea. To be filled in when port inspection also concerns inspection of gears on board. A detail form shall be filled in for every gear having been subject to port inspection.

6. INFRINGEMENTS AND FOLLOW-UP

6.1 Sea Inspection

Data Element	M /O	Category ; Definition
Inspectors team	M	Contracting Party name; Fishery Patrol Vessel name
Date of inspection	M	
Legal reference	M	Mention of the NAFO CEM Chapter; Article(s) paragraph(s) for each infringement

6.2 Port Inspection Infringements Results

(a) – Confirmation of Infringements Found At Sea Inspection

Data Element	M /O	Category ; Definition
Identification of the NAFO infringement	M	Mention of the NAFO CEM Chapter; Article(s) paragraph(s) for each infringement
Identification of the National infringement	O	Mention of the National Reg. title Chapter; Article(s) paragraph(s) for each infringement

(c) – Additional Infringements Found During The Port Inspection

Data Element	M /O	Category ; Definition
Identification of the NAFO infringement	M	Mention of the NAFO CEM Chapter; Article(s) paragraph(s) for each infringement
Identification of the National infringement	O	Mention of the National Reg. title Chapter; Article(s) paragraph(s) for each infringement

ANNEX III

Annex XIV(b) of Regulation (EC) No 1386/2007 is replaced by the following:

Annex XIV(b)

Product form codes

Code	Product From
A	Round – Frozen
B	Round - Frozen (Cooked)
C	Gutted Head on - Frozen
D	Gutted Head Off – Frozen
E	Gutted Head Off – Trimmed – Frozen
F	Skinless Fillets – Bone in – Frozen
G	Skinless Fillets – Boneless – Frozen
H	Skin on Fillets – Bone in – Frozen
I	Skin on Fillets – Boneless – Frozen
J	Salted Fish
K	Pickled Fish
L	Canned Products
M	Oil
N	Meal Produced from Round Fish
O	Meal Produced from Offal
P	Other (Specify)